



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

JANE SWIFT
Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

CERTIFICATION FOR GENERAL USE
Pursuant to Title 5, 310 CMR 15.000

Name and Address of Applicant:

Biolet USA, Inc.
150 East State Street
Newcomerstown, OH 43832-0548

Trade name of technology and model: Biolet XL composting toilet (hereinafter the "System").

Transmittal Number: W 021117
Date of Issuance: January 16, 2002
Expiration date: January 16, 2007

Authority for Issuance

Pursuant to Title 5 of the State Environmental Code, 310 CMR 15.000, the Department of Environmental Protection hereby issues this Certification for General Use to: Biolet USA, Inc., 150 East State Street, Newcomerstown, OH 43832-0548 (hereinafter "the Company"), certifying the System described herein for General Use in the Commonwealth of Massachusetts. Sale and use of the System are conditioned on and subject to compliance by the Company and the System owner with the terms and conditions set forth below. Any noncompliance with the terms or conditions of this Certification constitutes a violation of 310 CMR 15.000.

Glenn Haas, Director
Division of Watershed Management
Department of Environmental of Environmental Protection

Date

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

DEP on the World Wide Web: <http://www.state.ma.us/dep>



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Biolet USA, Inc.
Certification for General Use: Biolet XL composting toilet

I. Purpose

1. The purpose of this Certification is to allow the use of the System in Massachusetts on a General Use basis.
2. With the necessary permits and approvals required by 310 CMR 15.000 and the Uniform State Plumbing Code, 248 CMR 2.00, this Certification authorizes the installation and use of the System in Massachusetts.

II. Design Standards

1. The System is a biological composting toilet that uses the process of evaporation and aerobic decomposition to transform human fecal waste, urine and toilet paper to a hygienically safe product (humus). The humus requires periodic disposal. The System works by actively maintaining a proper moisture content range with an integral electric fan, aeration with integral motorized mixing, minimum temperature with the integral heater and the proper carbon to nitrogen ratio of the wastes. For proper operation and maintenance of the compost process the System requires the user to periodically add “starter mulch” or similar mulch as described in the owner’s manual. The System requires a standard 120 volt power outlet and that the room the System is installed in be maintained above a temperature of 64 degrees F during periods that the System is in use. The System owner’s manual specifies a maximum design capacity of 4 people under full time use or 6 people under part-time use per lavatory.
2. Subject to the provisions of this Approval and 248 CMR 2.00, the System shall be installed in accordance with 310 CMR 15.289 with the exception of 310 CMR 15.289(3)(a)3. However, the requirement within 310 CMR 15.289 that composting toilets be designed to store pre-composted and composted soils for at least two years is not applicable to the System. The residuals from the System shall be disposed of in accordance with 310 CMR 15.289(3)(a)(3)(a) or (b), either by burial on-site or in another manner and location approved by the local approving authority, covered with a minimum of six inches of clean compacted earth, or disposed of by a licensed septage hauler.

III. General Conditions

1. The provisions of 310 CMR 15.000 and 248 CMR 2.00 are applicable to the use of this System, except those that specifically have been varied by the terms of this Certification.
2. Any required operation and maintenance, monitoring and testing shall be performed in accordance with a Department approved plan. Any required sample analysis shall be conducted by an independent U.S. EPA or DEP approved testing laboratory. It shall be a violation of this Certification to falsify any data collected pursuant to an approved testing plan, to omit any required data or to fail to submit any report required by such plan.

3. In accordance with applicable law, the Department or the local approving authority may require the owner of the System to cease operation of the System and/or to take any other action as it deems necessary to protect public health, safety, welfare or the environment.
4. Design and installation and use of the System shall be in strict conformance with the Company's DEP approved plans and specification, 310 CMR 15.000 and 258 CMR 2.00, subject to this Certification.
5. The materials, design, construction and performance of the System shall conform to the Uniform State Plumbing Code, 258 CMR 2.02. The System must also have NSF Standard 41 certification.

IV. Conditions Applicable to the System Owner

1. The System shall not be constructed until a Disposal System Construction Permit has been obtained from the local approving authority, if required. No DEP approval is required unless in conjunction with variances pursuant to 310 CMR 15.412.
2. As part of an individual application to install and use the System for **new construction** as defined by 310 CMR 15.000, the proposed owner of the System shall demonstrate that a soil absorption system designed in accordance with 310 CMR 15.000 can be installed on the facility, or that a connection of the facility to a sewer is feasible/available.
3. The System is approved in connection with the discharge of sanitary sewage only. Any wastes that are non-sanitary sewage generated and/or used at the facility served by the System shall not be introduced into the System and shall be lawfully disposed of.
4. The owner of the System shall at all times properly operate and maintain the System in accordance with the Company's owners manual, 310 CMR 15.000, 258 CMR 2.00 and this Certification.
5. The owner shall furnish the Department within a reasonable time any information which the Department may request to determine whether cause exists for modifying, revoking, reissuing or terminating this Approval or to determine whether the Company and/or the owner is complying with the terms and conditions of this Approval and 310 CMR 15.000.
6. Each System is limited to a maximum design capacity of 4 people under full time use or 6 people under part-time use.

V. Conditions Applicable to the Company

1. By January 31st of each year, the Company shall submit to the Department, a report, signed by a corporate officer, general partner, or Company owner that contains information on the System for the previous calendar year. The report shall state: the number of units sold or shipped for use in Massachusetts during the previous year; and known System failures, malfunctions, and corrective actions taken and the address of each such event.
2. The Company shall notify the Director of the Watershed Permitting Program at least thirty days in advance of the proposed transfer of ownership of the technology for which this Certification is issued. Said notification shall include the name and address of the proposed owner containing a specific date of transfer of ownership, responsibility, coverage and liability between them. All provisions of this Certification applicable to the Company shall be applicable to successors and assigns of the Company, unless the Department determines otherwise.
3. The Company shall furnish the Department any information that the Department requests regarding the System, within 21 days of the date of receipt of that request.
4. At the time of sale or distribution of the System in Massachusetts the company shall furnish the purchaser with a copy of this Certification. In any contract for distribution or sale of the System, the Company shall require the distributor or seller to provide the purchaser of the System, prior to any sale of the System, with a copy of this Certification.
5. If the Company wishes to continue this Certification after its expiration date, the Company shall apply for and obtain a renewal of this Certification. The Company shall submit a renewal application at least 180 days before the expiration date of this Certification, unless written permission for a later date has been granted in writing by the Department.
6. At the time of the sale of the System, the Company shall provide the purchaser of the System with an installation and operation and maintenance manual.

VI. Reporting

1. All notices and documents required to be submitted to the Department by this Certification shall be submitted to:

Director
Watershed Permitting Program
Department of Environmental Protection
One Winter Street - 6th floor
Boston, Massachusetts 02108

VII. Rights of the Department

1. The Department may suspend, modify or revoke this Certification for cause, including, but not limited to, noncompliance with the terms of this Certification, non-payment of any annual compliance assurance fee, for obtaining the Certification by misrepresentation or failure to disclose fully all relevant facts or any change in or discovery of conditions that would constitute grounds for discontinuance of the Certification, or as necessary for the protection of public health, safety, welfare, or the environment, and as authorized by applicable law. The Department reserves its rights to take any enforcement action authorized by law with respect to this Certification and/or the System against the owner, or operator of the System, and/or the Company.

VIII. Expiration date

1. The Certification expires on the date shown on Page 1 of this Certification.
2. Notwithstanding the expiration date of this Certification, any System sold and installed prior to the expiration date of this Certification, and approved, installed and maintained in compliance with this Certification (as it may be modified) and 310 CMR 15.000, may remain in use unless the Department, the local approval authority, or a court requires the System to be modified or removed, or requires discharges to the System to cease.